

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CHARLIE GABERTAN,

Plaintiff,

v.

WALMART INC.,

Defendant.

CASE NO. C20-5520RBL

ORDER

THIS MATTER is before the Court on Defendant Walmart's Motion to Stay [Dkt. # 23] this TCPA putative class action pending the Supreme Court's decision in *Facebook Inc. v. Duguid*, No. 19-511, 2020 WL 3865252 (July 9, 2020). The Supreme court recently granted certiorari in that case. Walmart claims that SCOTUS will resolve a Circuit split over the TCPA's definition "automatic telephone dialing system" ("ATDS").

Plaintiff Gabertan opposes a stay, arguing that there is binding Ninth Circuit authority on the subject and that staying the case in the hopes that the Supreme Court will change the law in Walmart's favor will not advance the orderly course of justice.

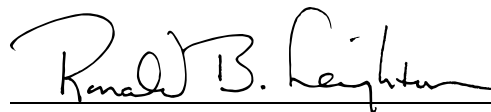
The Court agrees, and as it has in at least two similar cases, will deny the Motion to Stay. *See Lacy v Comcast*, No. 19-cv-5007 at Dkt. # 82; *Williams v. Pillpack*, No. 19-cv-5282, at Dkt.

1 # 54.

2 The Motion to Stay is DENIED.

3 IT IS SO ORDERED.

4 Dated this 31<sup>st</sup> day of August, 2020.

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6 Ronald B. Leighton  
7 United States District Judge  
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